

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

- v -

: 19 CR. 374 (JMF)

MICHAEL AVENATTI, :

Defendant. :

-----X

**DEFENDANT MICHAEL AVENATTI'S PROPOSED ORAL EXAMINATION OF THE JURY**

DAVID E. PATTON, ESQ.  
Federal Defenders of New York  
Attorney for Defendant

**Michael Avenatti**  
52 Duane Street - 10th Floor  
New York, New York 10007  
Tel.: (212) 417-8760

ROBERT M. BAUM, ESQ.

ANDREW J. DALACK, ESQ.

TAMARA L. GIWA, ESQ.

Of Counsel

TO: **DAMIAN WILLIAMS, ESQ.**  
United States Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007  
Attn.: **Matthew D. Podolsky, ESQ.**  
**Robert B. Sobelman, Esq.**  
Assistant United States Attorneys

The defendant **MICHAEL AVENATTI**, respectfully asks the Court to include the following in its questioning of the jury during jury selection, in addition to the questions generally asked by the Court. Some of the questions are coextensive with those the defense proposed to add to the written jury questionnaire. To the extent the Court rejects the defense's additions to the written questionnaire, we respectfully request that the questions be asked during oral voir dire.

1. What newspapers, magazines, websites, television channels or shows, radio stations or shows, or applications, if any, do you read, watch, visit, or use on a regular basis to get news?
2. Do you use social media websites, including Twitter, Facebook, Instagram, or others? If you do, which ones and what functions do you use on those social media sites?
3. Have you ever posted online, or on social media about any court case or legal proceeding? If you have, please describe what you have posted and when.
4. Do you have any feelings or opinions about the criminal justice system, including Judges, prosecutors, defense attorneys, and law enforcement officials, that would make it difficult for you to be fair and impartial jurors in this case?

5. Have you ever retained an attorney in a legal proceeding for which you had a written Fee Agreement or Retainer Agreement with the attorney? If yes, is there anything about that experience that would affect your ability to be a fair and impartial juror in this case?
6. Have you ever been successful in a legal proceeding resulting in a monetary recovery for which you were required to share the proceeds with your attorney? If yes, is there anything about that experience that would affect your ability to be a fair and impartial juror in this case?
7. Is there anything in your background or life experiences that you think we should know in connection with you being considered to serve as a juror in this case?
8. Have you or someone close to you ever been employed in law enforcement (including state or local police departments, federal investigatory agencies like the FBI, Securities Exchange Commission, any prosecutor's office, the Department of Corrections, or any regulatory agency)? If so, in what capacity?
9. Have you ever been involved in a civil or criminal proceeding or investigation as either a plaintiff, defendant, or witness? If yes, please describe the

circumstances:

10. You were instructed, and will be instructed throughout the trial, that you cannot read or listen to any accounts of this case in the media or on social media. Do you think this will be too difficult to do? If yes, please explain why.
11. Do you believe that our laws provide criminals with too many rights? Too few rights?
12. Under our justice system, the facts are to be determined by the jury and the law is to be determined by the Court. These two responsibilities are separate and distinct. When the Court instructs you on the law at the end of the trial, you are required to accept the law as the Court states it even though you might disagree with it personally. Is there any reason why you would be unwilling or unable to apply the law as given to you by the Court?
13. Michael Avenatti is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence presented in court, decides that his guilt has been proven beyond a reasonable doubt. The burden of proving guilt beyond a reasonable doubt rests entirely with the Government. Michael Avenatti has no burden of proof whatsoever and he is

not required to present any evidence. Would you have any difficulty following these rules?

14. Under the law and the Constitution, Michael Avenatti need not testify in his own defense. If he does not testify, the jury is not permitted to consider that fact in any way in reaching a verdict. If Mr. Avenatti does not testify, would you hold this against him in any way?

Dated: New York, New York  
December 9, 2021

Respectfully Submitted,

By: /s/

**ROBERT M. BAUM, ESQ.**

**ANDREW J. DALACK, ESQ**

**TAMARA L. GIWA, ESQ.**